

### HOLDS UP APPROPRIATION FOR CRATER LAKE ROAD

#### Hair-Splitting Decision of Judge Galloway Ties Up Funds for Road Building.

Another indication of the long-haired, long-eared condition in which this State now is comes in the decision of Judge Galloway, who has handed down an opinion making perpetual the injunction restraining the payment of the \$100,000 appropriated for the construction of the Crater Lake road. He claims it is unconstitutional! Well, it may be, but if it is, then McMahon, the erratic attorney who brought the question into court, has won the first case of any importance in his career. If it is unconstitutional, then practically all of the lawyers in the State, the Attorney General and United States Senator Chamberlain have been mistaken. It will be taken to the Supreme Court at once, where it may be hoped that a rational construction of the law will be secured, and where it is almost certain that the right to recognize a State highway will be recognized. In Judge Galloway's legal mind it might be possible to construct a State highway without making a beginning, but it is hardly to be believed that the same rule will prevail in the Supreme Court.

Following is the text of the decision: Judge Galloway bases his opinion on numerous authorities, which he cites in the course of the decision. He takes the ground that the tendency of the courts has been, in this State as well as in others where a similar inhibition exists in the constitution, to place such a construction on the provision as would make this appropriation for the Crater Lake road unconstitutional.

The questions involved were entirely constitutional, two principal points being raised by McMahon. The complaint alleges the act to be unconstitutional as violative of section 23 of article 14, of the Constitution, reading:

"The legislative assembly shall not pass special or local laws in any of the following enumerated cases, that is to say, . . . ."

"7—For laying, opening and working on highways, and for the election or appointment of supervisors;

"10—For the assessment and collection of taxes for State, county, township or road purposes;" and section 7 of article 11 reading:

"The legislative assembly shall not loan the credit of the State nor in any manner create any debts or liabilities which shall singly or in the aggregate with previous debts or liabilities exceed the sum of \$50,000, except in case of war, or to repel invasion or suppress insurrection, and every contract of indebtedness entered into or assumed by or on behalf of the State, when all its liabilities and debts amount to said sum, shall be void and of no effect."

The opinion of the Court follows in full:

"On the trial much testimony was given by persons of high authority as to the great scenic beauty of Crater Lake, and the necessity of a public highway to this wonderland of our State.

"The court cannot be actuated by sentiment, though much it might wish in this case. Therefore there are but two questions to be considered in this suit.

"First, is said law a local and special act or local or special in the meaning of said section 23 of article 14?

"Second, does it loan the credit of the State in excess of \$50,000 in violation of the said section 7 of article 11 of the Constitution?"

"In *Allen vs. Hirsch*, 8 Oregon, 412, the court held an act appropriating public money to be paid out of the internal improvement fund in aid of a wagon road known as The Dalles and Sandy Wagon road, and another known as the Eastern Oregon and Winnemucca road, to be constitutional, upon the following principle as to what constitutes local and special laws, announced on page 425:

"The general principle to be deducted from all the authorities seems to be this: That whenever an act of the legislature authorizes any public road or other internal improvement to be made or other act to be done which in its nature is more beneficial to the community at large than to the inhabitants in the immediate locality of the road, or other internal improvements, such act is to be con-

sidered a public, and not a special or local law."

"The present act appropriates \$50,000 conditional upon Jackson county raising a like sum, to aid said county to build a public highway from the city of Medford to the west boundary of the Crater Lake National park and not to Crater Lake, as some imagine. Also, \$50,000 conditional upon Klamath county contributing a like sum, to aid said county to build a county road from Klamath Falls, to the eastern boundary of said national park, and not to Crater Lake within said park, for our State is without jurisdiction, and can do no work or exercise any authority within the national park including Crater Lake. The present act nowhere provides for adding in the construction of a continuous highway from Medford in Jackson county to Klamath Falls, Klamath county, as there is an intervening segment of more than 13 1/2 miles which is to be made, if at all, by the federal government.

"Jackson county has raised or appropriated the amount required. Hence, under the provisions of chapter 191 of the laws of 1909, \$50,000 becomes available for use in Jackson county only, and upon a certain specified county road leading from Medford in said county to the western boundary of Crater Lake national park. The court is not informed that Klamath county has made any appropriation as required by this act. Hence the \$50,000 appropriated exclusively for Klamath county is not available and may never become so.

"The present act is clearly local, as it applies to only two counties. It is also special because it is limited to a specified section and for special purposes only, that is, the proposed appropriation can be used only in the counties of Jackson and Klamath and for a special purpose, viz: The building of a certain specified highway in said counties.

"The act is therefore local and special and comes clearly within the inhibition placed upon such measures by section 23, article 14 of our Constitution. The complaint will be sustained and the injunction made permanent and perpetual."

### AGITATING POSTOFFICE REMOVAL

There has been some talk on the streets the past few days relative to a possible change in the location of the postoffice, but from inquiries made it develops that it is nothing more serious than talk. On account of the increase in the business of the postoffice, it is quite certain that in a short time more room will be necessary, and this fact is probably what started the talk.

The lease of the present building has nearly three years more to run, and at the rate the government is willing to pay it is not likely that any other building could be secured. In view of the fact that the owner has to furnish lights, water and heat, besides the box equipment, at a less rental than a building could be rented for store purposes, Uncle Sam is not a very paying tenant.

### SCHOOL BONDS VOTED.

Again has it been demonstrated that Klamath Falls favors good schools and good buildings for that purpose. Twenty thousand dollars worth of bonds were voted at the election Tuesday in this district for the purchasing a site and erecting a fireproof building and equipping same. Klamath Falls has already a \$20,000 public school building, but the rapid growth of the city has necessitated more room, and another building is to be erected on block 9 if it can be secured at a reasonable price. The vote Tuesday was thirteen in favor and eight against the bonds.

It is stated that the owners ask \$5,600 for block 9, and this is considered rather high for school purposes. It is believed that if the matter could again be brought up to a vote that just as desirable property at a more reasonable price could be secured. It is reported that R. S. Moore has offered to donate a block on the west side. It is believed to be only a matter of a short time when another school will have to be built somewhere in the vicinity of the canal, and there is quite a sentiment in favor of a building on the west side. If the bond issue were used for buildings alone it would be possible to build two very fair-sized buildings for that amount, and these could be so located to better accommodate every section of the city.

### THE STORY OF THE SHIRT.

When you buy anything, whether it is clothing, groceries, hardware, farming implements, shoes, or one of the many articles that go to make the necessities of the human family, buy from a live, progressive merchant. There is a reason for making this suggestion. Take the little matter of a shirt. Let it stand for six months with starch in it and it wears out more rapidly than it would in twice that time if kept in regular use. Now, there are merchants who have shirts on their shelves for a year—and some of them for a good deal longer. The person buying one gets "stuck," for it won't wear. What is true about shirts is true about the other things. A live, up-to-date merchant does not keep stock on hand to wear out on the shelves. He pushes his business and when you buy from him you get new, fresh, fashionable articles. You get your money's worth in wear. That is why we say to you, "Buy only from a live, progressive merchant."

The way to tell who is a "live, progressive merchant" is to watch the columns of your local newspaper. The merchant who advertises is the man who gets the business. He is the man who moves his goods. He is the man who believes that what is worth having is worth asking for, and when he advertises he is asking you for your patronage, and he generally gets it, especially if you want the full value of the money you pay out. He considers his advertising an investment, and he is not going to kill that investment by selling you something that is not worth what you pay for it. He realizes that sooner or later you will find out that you got an inferior article and he will lose your patronage, and his advertising, so far as you are concerned, is a worthless investment.

Each week *The Republican* carries in its columns the advertising of merchants who are alive, up-to-date, and seeking your trade. You can depend on them. They are asking the readers of this paper—who number nearly four thousand—to visit their stores and examine their goods. If you accept their invitation you will have no cause to regret it. Remember the story of the shirt. Remember that when you buy an article you want the wear out of it, so do not take it from the shelves in the store of the merchant who does not value your patronage sufficiently to ask you to call and see him.

### DISPOSAL OF SEWAGE.

#### Council Unecided Whether to Use Septic Tank or Dump Into the River.

The members of the City Council are still undecided as to the disposal of the sewage of the city when the new sewers are put in. Both the consulting engineer and Mr. Zumwalt recommend a septic tank, but the matter of cost is what is bothering the Council. It is admitted that the city will have to come to the septic tank sooner or later, but some of the members favor a temporary arrangement by running the sewage in the river. This could be done at very little cost and later, when the city has more money, a septic tank could be installed.

Mayor Sanderson and others believe that what is done now should be done right, so that there will be no necessity of a change in a year or so. With the sewage dumped into the open water the city would be liable to an injunction suit at any time, and the best that can be hoped for is a respite of one or two years. The issue must be met sooner or later, and there is nothing gained by shoving it off on to the shoulders of the next Council. Many complaints are already heard of the unhealthy condition of the water fronts bordering on the lake, especially when a south wind is blowing, and with a fourteen-inch pipe continually emptying its germ-breeding contents in the stagnant water, the city would soon be unfit to live in. Even if pipes carried the sewage to running water in the river, there would be the same objection from the land owners and farmers along the river, whose cattle and stock drink from the stream. The City Council will take this matter up at a meeting to be held at 1:30 on next Monday.

### THE CALF IS DEAD BUT THE TRIAL GOES ON

What is expected will be the last chapter in the famous Arant calf case was begun Tuesday in the Circuit Court, when the jurors were selected in the case of Burrell Short vs. J. F. Arant. This is an appeal from the justice's court in a replevin case. R. S. Smith is attorney for Mr. Short, while C. C. Brower represents Mr. Arant.

The calf in the case is one of the two which figured in the case of the State vs. Arant, which consumed such a large portion of the last two terms of court. The calf has long since died and nothing remains but the hide and a law suit.

N. C. Briggs and wife left Monday morning on their return home to Hollister, Cal., after a few weeks' visit with Mrs. Briggs' parents, Judge and Mrs. Benson. They put in several days of fishing at Spring Creek while here, and Mr. Briggs states that he is already looking forward to another outing next year.

### MAKING SWISS CHEESE.

#### Factory at Merrill Is Now Turning Out 100 Pounds a Day—Will Double Output Soon.

Guy Merrill, who was in the city Tuesday, state the new Swiss cheese factory in which he is interested at Merrill, is doing fine and that they are turning out one hundred pounds of cheese a day. By the first of the month they will be able to turn out between two and three hundred pounds a day, for which they have a ready market at Astoria. Mr. Merrill has a herd of thirty cows on his own place which is milking, and is putting on wagons to gather milk from other parts of the valley.

### IMMENSE TRAFFIC.

Over two thousand dollars a day is a pretty good record for freight business for the first month's business of the railroad in Klamath Falls. The railroad began business in this city on May 20th, and it is estimated that the total receipts from the handling of freight for the first month is \$65,000, or more than \$2,000 a day. In addition to this, the passenger business will run from \$8,000 to \$12,000 a month, which will bring the monthly total up to \$75,000.

This is not so bad for the first month, and the indications are that the traffic will greatly increase as the summer advances. Nearly all of this business was done with the merchants of Klamath Falls, and it is a striking illustration of the enormous amount of trade handled by the business men of this city. It is expected that all of the freight for Lakeview will soon be shipped via Klamath Falls, and this will greatly increase the monthly receipts of the railroad at this point.

A record for the first month such as Klamath Falls can show will probably open the eyes of the Portland and San Francisco jobbers, and bring them to a realization of what they are overlooking in the way of business.

### A BEAUTIFUL RESIDENCE.

The George R. Hurn residence on Fourth and Pine streets is nearing completion and will be ready for occupancy by the last of the week. Mr. and Mrs. Hurn will have one of the finest homes in the city. The arrangement of the interior is particularly pleasing and convenient. The upstairs contains four nicely arranged suites of bedrooms, with large, well-lighted wardrobes. The first floor contains a large hall, double parlor, dining room, kitchen, bath and servant's room. The house will be heated with steam from a furnace located in the basement.

Engineer Benjamin Heidel left Friday morning for California. He will return in a few days to take up his work of selecting a location for the route of the Crater Lake road.

### SACRAMENTO JOBBERS COMING.

(Sacramento Bee.)

The Jobbers' Association is to have a meeting within the next few days to arrange an excursion next month to Klamath Falls, which the local wholesale merchants have had in mind for some time.

The purpose of the trip is to give the jobbers a good opportunity for seeing personally the vicinity of Klamath Falls and Southern Oregon. This is a prosperous and fast developing section of country, lying about midway between Portland and Sacramento, and consequently bringing the wholesalers of the two cities into competition for its increasing business.

The opening for this city to build up a flourishing trade with this locality has been insisted upon for weeks by The Bee, and its testimony chimes in with reports of traveling men from this city who have personal knowledge of the Klamath Falls country.

It is on these advices that the jobbers have planned an exploration just over the northern boundary of this State. They hope to get a sufficient number to take the trip so that they may travel on a special car and be at liberty to do about as they like in the way of seeing the country.

Most of the heads of Sacramento wholesale firms have yet to see the Klamath Falls country with their own eyes. They have been going by second-hand information in the past, and it has held out to them such encouraging promises that they think it worth while to make personal acquaintance with the section, and find out how great an outlay of money and energy is justified by the prospect of business.

The Portland jobbers were out in force at Klamath Falls on Railroad Day.

The local jobbers considered making a trip in order to be present there on Railroad Day, but decided that it would be better to take in the place and its vicinity when the people were disengaged and able to give more attention to a carload of visitors.

### BIG CIRCUIT COURT DOCKET.

The June term of the Circuit Court which convened on Monday promises to be as lengthy as the last term, from the number of cases already on the docket, and more cases are being filed each day. The following cases are now on the docket:

State vs. John Doe, State vs. John Doe, State vs. Richard Roe, State vs. John Doe et al, State vs. Charles Walker, State vs. Jay Stickle, State vs. J. F. Munz, State vs. Joshua Buckmaster, State vs. J. W. Buck, F. W. Bowne vs. J. D. Carroll, Lute Platt vs. J. E. Duval and David Hock, The American Bank and Trust Company vs. A. M. Taylor et al, R. E. Cantrall vs. J. D. Carroll, R. E. Cantrall vs. J. D. Carroll, J. R. Horning vs. W. J. and Frank Jamison, J. Frank Adams vs. F. O. Price, J. Frank Adams vs. G. L. Frazier, Carrie Bensingler vs. Alfred Bensingler, Henry R. Janssen vs. John H. Collman, et al, Mary J. Johnson vs. Charles Johnson, Burrell Short vs. W. F. Arant, F. H. Ricker vs. D. M. Berry et al, A. D. Harpold vs. W. F. Arant, Laura C. Beals vs. Alvaro C. Beals, State vs. Dave Alexander, William Lashua vs. K. Sugarman, W. R. Merrill vs. C. H. Merrill, Harris & Irwin vs. E. W. Roberts, J. M. Batchelder vs. D. A. McLeod, Crisler & Stilts vs. John Bennett, State vs. Charles Walker, State vs. F. M. White, Bertha Conner vs. Dan Conner, A. F. Clubine vs. S. E. Martin, recorder and town of Merrill, B. A. Bradburn et ux vs. John Cotes, William Wagner vs. Merrill School District No. 28, H. L. Burrell vs. C. L. Burrell, William Wright and Jesse M. Wright vs. Jacob Rueck, F. H. Mills vs. H. J. Winters, J. L. Scott vs. Rena M. Scott, Thomas Drake vs. J. A. Taylor, American Bank and Trust Company vs. E. B. Burwell, George Keiley vs. J. Jay Arant et al, Charles Deagan vs. J. F. Loosley, H. E. Polnter vs. Klamath Falls Land and Transportation Company, Petition of Fred Dingles for Naturalization, Bertha Bursell vs. Dunn Bursell.

Arthur Brown, publisher of *Medford's Magazine*, was in the city this week. This is Mr. Brown's first visit here, and he states that while he expected to find a good town, he did not half realize how good it was until he arrived here. He is very favorably impressed with Klamath Falls, and says it only takes a walk down the street to see that the town is wide awake.

### BUILDING AND LOAN ASSOCIATION.

Mr. J. W. Nee, general agent of the Western Loan and Savings Company of Salt Lake City, Utah, is in town and after looking over the situation and the prospects of Klamath Falls, has decided to put in a local branch of this building and loan association here. This concern is one of the two building and loan companies doing a general business in the State of Oregon, the other being a Portland company. The laws of this State are very strict in regard to this class of savings institutions, and a company is required to deposit \$100,000 in approved securities with the Secretary of State before they can transact a general business in the State. This stringent law has kept all California loan companies out of Oregon, but insures the investor of absolute protection.

The Western Loan and Savings Company is one of the strongest in the Northwest. It has branches in Utah, Montana, Washington and Oregon. The authorized capital is \$5,000,000, with assets of \$760,764, and a permanent reserve fund of \$100,000.

Mr. Nee will establish a regular branch here with local agents and treasurer, who will take subscriptions for investment stock. Later the shareholders here will elect a local board, to whom the company will grant a charter, and who will appraise the value of all property on which loans will be made. For each \$100 of the investment stock subscribed for in Klamath Falls, the company will loan \$500 in the town. Thus all the local money subscribed will be loaned here in Klamath Falls under the direction and approval of a board of local people, the company simply passing on the abstract and papers, and the company will bring in additional money from towns where they have subscribers, but no loans, and loan here.

A building and loan association is an important factor in the building up of any town for the reason that they collect money from many places where there is little building and loan it in towns that are growing rapidly. They loan up to one-half of actual value on residence property and allow the borrower to pay back in monthly installments.

### FOUR HOURS ON SATURDAY.

Government Employees Will Be Given Half Holiday on Saturdays in July, August and September.

The Reclamation Service has received notice of the departmental order that on Saturdays during July, August and September—and until further ordered, four hours, exclusive of time for luncheon, shall constitute a day's work for all employees of the public service.

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